Minutes – Executive Policy Committee – September 20, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

Item No. 1 Subdivision and Rezoning – 1600 Ravelston Avenue West (Transcona Ward)
File DASZ 8/2017 [c/r DAV 109188/2017D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 8/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 8/2017 dated May 25, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated March 1, 2017, with the following amendment:

        i. Delete Servicing Agreement condition 7) Ravelston Avenue West b) and replace it with the following:

            7) <u>Ravelston Avenue West</u>

                b) That the City will reimburse the developer for the portion of the costs of the works which exceed the developer's share within two years of substantial completion in accordance with the terms of the development agreement parameters.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 8/2017 dated May 25, 2017, to "R1-M" Residential Single-Family (Medium) Zoning District.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by of the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

DECISION MAKING HISTORY:

Moved by Councillor Morantz,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 11, 2017, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following to recommendation 1. A. after "March 1, 2017":

  ", with the following amendment:

  i. Delete Servicing Agreement condition 7) Ravelston Avenue West b) and replace it with the following:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

7) Ravelston Avenue West

b) That the City will reimburse the developer for the portion of the costs of the works which exceed the developer's share within two years of substantial completion in accordance with the terms of the development agreement parameters."

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Pursuant to the Code of Conduct adopted by Council on September 21, 1994, Councillor Wyatt advised the Committee that he would refrain from entering the discussion and voting on the following matter, because of a potential conflict of interest, and left the meeting.

On June 13, 2017, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on July 11, 2017 at 6:30 p.m. in the Council Building at 510 Main Street.

On May 25, 2017, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on June 13, 2017 at 6:30 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – 1600 Ravelston Avenue West**
File DASZ 8/2017

For submission to: **The Standing Policy Committee on Property and Development, Heritage and Downtown Development**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 12, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 11, 2017, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 8/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 8/2017 dated May 25, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated March 1, 2017***, with the following amendment:***

        i. Delete Servicing Agreement condition 7) Ravelston Avenue West b) and replace it with the following:

            7) <u>Ravelston Avenue West</u>

                b) That the City will reimburse the developer for the portion of the costs of the works which exceed the developer's share within two years of substantial completion in accordance with the terms of the development agreement parameters.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 8/2017 dated May 25, 2017, to "R1-M" Residential Single-Family (Medium) Zoning District.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by of the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The application is consistent with the Transcona West Area Structure Plan.
2. It's good to see sensible development with a good mixture of single family, multi-family homes and condominiums with a variety of pricing categories.
3. The development would allow for housing transitions to occur to permit residents to remain in the area.

PUBLIC HEARING SUMMARY

File: DASZ 8/2017

Before: East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Browaty

Public Hearing: July 11, 2017
June 13, 2017
May 25, 2017
Council Building, 510 Main Street

Applicant: Robert Doolan, Waterside Development Corp.

Subject:

EAST KILDONAN TRANSCONA COMMUNITY COMMITTEE PUBLIC HEARING

Date: Thursday, May 25, 2017
Time: 6:30 P.M.
Location: Council Building,
510 Main Street



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : WATERSIDE DEVELOPMENT CORP.
FILE : DASZ 8/17
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the creation of residential lots as shown outlined above. **For information, phone Mr. R. Hayer, Planner, at 204-986-7168.**

Premises Affected: 1600 Ravelston Avenue West

Exhibits Filed:

1. Application dated February 8, 2017
2. Notification of Public Hearing dated March 22, 2017
3. Manitoba Status of Titles 1402621/1, 2882105/1
4. Letter of authorization dated January 25, 2017 from Gloria Jean Woodcock to Waterside Development Corp.
5. Letter of authorization dated January 25, 2017 from Waterside Development Corp. to Robert Doolan
6. Surveyor's Building Location Certificate and sketch dated January 3, 2017
7. Plans (1 page) and Letter of Intent dated January 25, 2017
8. Report from the Urban Planning Division dated May 16, 2017
9. Inspection Report
10. Recording of Representations of public hearing held on May 25, 2017
11. Notice of Adjournment dated June 2, 2017
12. Communication dated June 12, 2017, from Robert Doolan, Waterside Development Corp., with respect to the application
13. Notice of Adjournment dated June 16, 2017
14. Recording of Representations of public hearing held on July 11, 2017

REPRESENTATIONS:

In Support:

Bill McGarry
Robert Doolan

In Opposition

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
G. Doney, Senior Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 8/2017

ADMINISTRATIVE REPORT

Title: DASZ 8/2017 – 1600 Ravelston Ave W.

Issue: Proposed Plan of Subdivision and Rezoning that would:

- create five (5) lots; and
- rezone the site from "RR5" Rural Residential 5 District to "R1-M" Residential Single-Family Medium District.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 8/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 8/2017 dated May 25, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated March 1, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 8/2017 dated May 25, 2017, to "R1-M" Residential Single-Family (Medium) Zoning District.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by of the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter.*

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the land from an “RR-5” Rural-Residential 5 district to a “R1-M” Residential Single-Family Medium district in order to create five (5) lots for residential use.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 8/2017) in terms of compliance with *OurWinnipeg*, the *Complete Communities Direction Strategy* and the *Transcona West Area Structure Plan.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the process of creating the plan of subdivision, and rezoning the subject site, can proceed.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

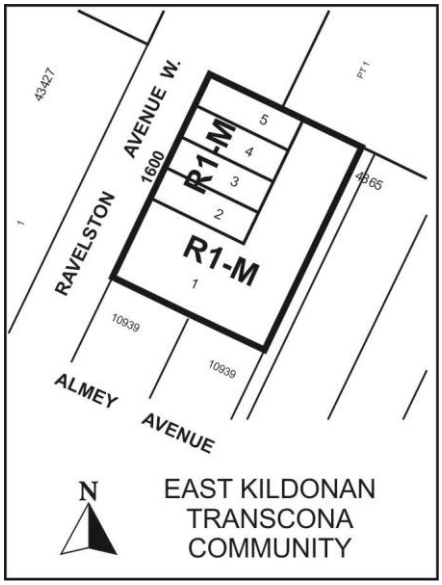
Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	May 16, 2017
File No.	DASZ 8/2017

Attachments

- Appendix "A," Planning Discussion
- Schedule "A," of File DASZ 8/2017, East Kildonan – Transcona Community Committee, dated May 25, 2017.
- Schedule "B," Report of the Administrative Co-ordinating group, dated March 1, 2017, Re: proposed subdivision and rezoning of land located at 1600 Ravelston Avenue West – File No. DASZ 8/2017

Appendix "A," Planning Discussion

DATE:	May 16, 2017
FILE:	**DASZ 8/2017**
RELATED FILE:	DAV 17-109188/D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.417 (Peguis)
SUBJECT:	proposed plan of subdivision and proposed rezoning to: • create five lots; and • rezone the site to "R1-M" Residential Single-Family Medium Zoning District.
LOCATION:	1600 Ravelston Avenue West
LEGAL DESCRIPTION:	Lot 3, Plan 10939



APPLICANT:	Robert Doolan, Waterside Development Corp. 3615 Roblin BLVD Winnipeg, MB R3R 0C6
OWNER:	Waterside Development Corp. 1600 Ravelston Avenue West Winnipeg, MB R3W 1P8
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

The subject site, identified on Figures 1 and 2 of this attachment, is:

- on the east side of Ravelston Avenue;
- in the Peguis Neighbourhood and the Transcona Ward;
- approximately 50,908 square feet (1.2 acres) in lot area;
- encompassing a one-storey single family dwelling with attached garage, and a detached garage with a floor area of 1,091 square feet and a height of 20.5 feet;
- in a "RR5" Rural Residential 5 District of Zoning By-law 200/2006;
- in the Almey – Ravelston Special Planning Area and a Residential Mixed Use policy area of the *Transcona West Plan*; and,
- in a Recent Communities Area, this is a type of Areas of Stability policy area of *OurWinnipeg* and *Complete Communities*.

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

- To the north are lots zoned "R2" Residential Two-Family; then El Tassi Drive public right-of-way, approved under DASZ 3/16.
- To the south are single-family lots zoned "R1-M" Residential Single-Family Medium district, approved under DASZ 31/16.
- To the east are properties that are partly zoned "RR5" and partly zoned "R1-L" that contain single-family dwellings accessed from Almey Avenue.
- To the west is Ravelston Avenue West; then an office building (Steinbach Credit Union) zoned "C2" Commercial Community District.
- The Ravelston Avenue West Public ROW contains a rural cross-section roadway with ditches, and piped water extending north from the Almey ROW by approximately 30 feet.
- Almey Avenue is closed to motor-vehicle traffic between the private approach to the office building and Ravelston Avenue W.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- As shown on Schedule "A" to this report, the proposal is to create five "R1-M" lots. Lot 1 would encompass the existing single-family dwelling with attached garage and accessory detached garage, and single-family dwellings would be developed on Lots 2 through 5.
- Plans of development have not been included with the application.
- In order to maintain the accessory detached garage on proposed Lot 1, the maximum permitted lot coverage requirement and maximum permitted building height for detached accessory structures requirement (of *Zoning By-law 200/2006*) would have to be varied. Application for approval of these variances has been made under File DAV 17-109188/D and a report on this application has been submitted for consideration by the East Kildonan – Transcona Community Committee.

ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

- *OurWinnipeg* is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.
- Direction 3 of Section 01.A of *OurWinnipeg* requires "*piped water, piped wastewater, piped land drainage and an urban standard roadway*" (or an equivalent alternative approved by the City) be provided in areas where the "intensification of land-uses" is proposed. The recommended condition that the developer enter into a servicing agreement and fulfill all the conditions stated in Schedule "B" to this report would ensure the development's compliance with this Direction.
- The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Areas of Stability policy area states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- The proposed plan of subdivision and rezoning would facilitate single-family developments, which would result in four (4) new houses being added to the area and a more efficient use of existing and future infrastructure. Therefore, the proposed plan of subdivision and rezoning comply with the aforementioned Key Direction.
- The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- The proposed subdivision plan and rezoning are consistent with these policies because they would enable the development of single-family dwellings, which is a typical land use in the area in which the site is located.

Transcona West Area Structure Plan

- Section 5.2.2(2) requires that the rezoning and subdivision of land within the Special Planning Area will be considered by the Community Committee through the Development Application process in accordance with the following:
    - "*Any application for subdivision shall be accompanied by a concept plan that demonstrates how the subdivision may be integrated into the re-subdivision of adjacent and surrounding parcels in order to ensure that the future potential for adjacent subdivision is not compromised."*
- A concept plan was not deemed to be necessary for the proposed subdivision plan and rezoning because, if the lands east of the subject site were to be developed, motor-vehicle access to those lands may be provided through a future public right-of-way extending southwesterly from Art Miki Way.

- Sub-subsection 5.4.2 of the *Transcona West Plan* states:
    - "*a significant use of land within Residential Mixed Use Areas will incorporate low, medium and higher density residential uses*."
- The proposed "R1-M" Residential Single-Family (Medium) lots are consistent with this policy (and with the *Transcona West Plan* in general).

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg*, *Complete Communities* and the *Transcona West Area Structure Plan.*

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Rakvinder Hayer

PPD File #:
DASZ 8/2017



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

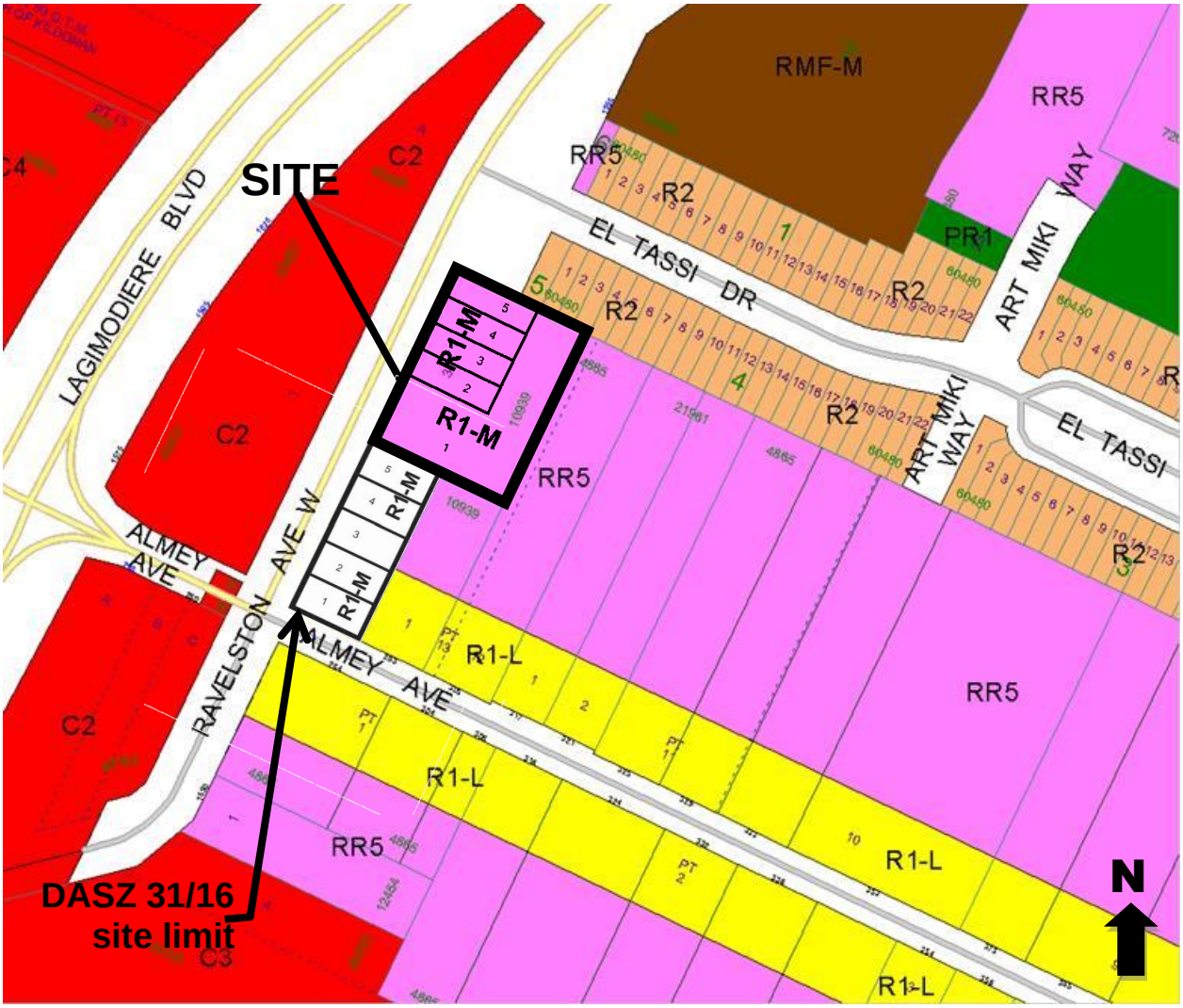


Figure 2: Proposed Subdivision and Rezoning in context with zoning of the surrounding area and approved Subdivision and Rezoning DASZ 31/2016.

Schedule "A" of File DASZ 8/2017, East Kildonan – Transcona Community Committee,

May 25, 2017

By-Law No.	File No. **DASZ 8/17**
Atlas Sheet No. **Y30** N **EAST KILDONAN TRANSCONA COMMUNITY**	Explanation An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1600 Ravelston Avenue West from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the creation of residential lots as shown outlined below.



THIRD READING :	EFFECTIVE DATE :
ZONING AGREEMENT : YES ☐ NO ☐	CAVEAT No.

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – March 1, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1600 RAVELSTON AVENUE WEST – FILE NO. DASZ 8/2017

It is recommended that the approval of DASZ 8/2017, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

SERVICING REQUIREMENTS

1) Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

2) Watermains

The Developer shall pay their share of the watermain installed by others in Ravelston Avenue West, as determined by the Director of Water and Waste.

3) Lot Line Services

a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4) Land Drainage

The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

5) Stormwater Management Facilities

The Developer's shall, prior to the release of mylars , pay their share of the regional stormwater management facilities including

a) the Trunk Service Rate (TSR) and
b) the Kildare Truck User Charge

as determined by the Director of Water and Waste.

6) Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

7) Ravelston Avenue West

a) The Developer shall, at no expense to the City, construct the following services in Ravelston Avenue West from Almey Avenue to the future El Tassi Drive:
   i. A 7.5m wide by 150mm thick Portland cement concrete lane of pavement and all related works
   ii. Street lighting
   iii. Landscaping on both sides
   iv. A 1.5m wide by 100mm thick Portland cement concrete sidewalk on the east side of Ravelston Avenue West
   v. A 3.5m wide multi-use pathway on the west side of Ravelston Avenue West
   vi. Land drainage sewer
   vii. all as determined by and to the satisfaction of the Director of Public Works.

b) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent development agreements.

8) Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees, on Ravelston Avenue West, abutting the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

9) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

10) Utilities

a) The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

c) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

11) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

12) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director

of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

COSTS AND FEES

1. By-laws and Approvals

   The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

   a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

   b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 8/2017
May 11, 2017

"*Original Signed by G. Jasper"*
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